

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALEXANDRA TABER,

Plaintiff,

v.

CASCADE DESIGNS, INCORPORATED,  
*et al.*,

Defendants.

Cause No. C20-1633RSL

ORDER DENYING DEFENDANTS'  
MOTION TO STRIKE AND  
GRANTING PLAINTIFF'S MOTION  
TO AMEND

This matter comes before the Court on defendants' "Motion to Strike Complaint in Favor of a Short and Plain Statement" (Dkt. # 9) and plaintiff's "Motion to Amend the Complaint" (Dkt. # 29). Defendants argue that plaintiff's complaint violates Fed. R. Civ. P. 8 because it is overlong at 55 pages and provides "redundant, confusing, and overly detailed allegations and alleged evidentiary support unnecessary to state a claim." Dkt. # 9 at 3. Defendant has not shown, however, that the length and/or detail of the allegations prevent the pleading from performing the essential functions of a complaint, namely to put defendants on notice of the conduct of which they are accused and the basis for plaintiff's claim for relief.

Plaintiff has asserted seventeen causes of action and requests numerous forms of relief arising from seven months' of wage deductions that were not timely deposited into plaintiff's health savings account, the issuance of false pay records, the failure to make employer

1 contributions to the health savings account, the failure to take corrective action once errors were  
2 identified or to provide an accounting, additional improper withholdings and wage violations in  
3 the spring of 2018, the recharacterization of contributions in a way that triggered adverse tax  
4 consequences, other “corrective” measures that caused further damage, her wrongful  
5 termination, and the denial of severance payments. While there is no doubt that the complaint is  
6 lengthy, the allegations themselves are discrete and, for the most part, go to the pleading  
7 requirements of Rule 8. The first ten pages of the complaint are dedicated to the parties,  
8 jurisdiction, venue, and service. Plaintiff then provides a 32-page chronological narrative  
9 regarding defendants’ actions over two years, allegations regarding duty, knowledge, and state of  
10 mind, the injuries plaintiff attributes to defendants’ actions or inactions, and her termination. She  
11 then asserts claims based on state wage law, violations of ERISA, retaliatory discharge, and age  
12 and sex discrimination, providing some explanation for how the alleged facts support the claim  
13 asserted.  
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16 Defendants are not entitled to a complaint of their liking or of their preferred length.  
17 Given the number of claims asserted, the nature of the wage and ERISA claims, and the many  
18 forms of relief requested, it is not surprising that the complaint is lengthy. The Court finds that  
19 the original pleading was not unusually defective (notwithstanding certain editing failures) and  
20 that striking the pleading would not “secure the just, speedy, and inexpensive determination” of  
21 this action. Fed. R. Civ. P. 1.<sup>1</sup> Plaintiff now seeks to amend her complaint to correct some of the  
22 drafting errors contained in the original and to add COBRA-notice related claims and additional  
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26 <sup>1</sup> In reply, defendants argue that the original complaint violates the federal rules of discovery  
27 because defendants will have to admit or deny “hundreds of discrete factual, evidentiary allegations.”  
28 Dkt. # 26 at 5. No citations are provided for this extraordinary and untimely argument.

1 parties. Defendants' only objection is that the proposed amended pleading is still too long. The  
2 objection is overruled.

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5 For all of the foregoing reasons, defendants' motion to strike the original complaint (Dkt.  
6 # 9) is DENIED and plaintiff's motion to amend (Dkt. # 29) is GRANTED. Plaintiff's request  
7 for an award of fees and costs is DENIED. Plaintiff shall file her First Amended Complaint  
8 within seven days of the date of this Order.

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10 Dated this 1st day of February, 2021.

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12 Robert S. Lasnik  
13 United States District Judge  
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